

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS 258, 228 & 334

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO COURT-LEVIED FEES; INCREASING THE AMOUNT OF  
JUDICIAL EDUCATION, MUNICIPAL CORRECTIONS AND LOCAL GOVERNMENT  
CORRECTIONS FEES; EXPANDING THE USE OF CERTAIN FEES; MAKING AN  
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 33-3-25 NMSA 1978 (being Laws 1983,  
Chapter 134, Section 1, as amended) is amended to read:

"33-3-25. LOCAL GOVERNMENT CORRECTIONS FUND CREATED--  
ADMINISTRATION-- DISTRIBUTION. --

A. There is created in the state treasury a "local  
government corrections fund" to be administered by the  
administrative office of the courts.

B. All balances in the local government corrections  
fund are appropriated to the administrative office of the

1 courts for payment to counties and municipalities in counties  
2 with a metropolitan court for use by counties and those  
3 municipalities for county or municipal jailer or juvenile  
4 detention officer training; for the construction planning,  
5 construction, maintenance and operation of the county ~~[or]~~  
6 detention facility, municipal jail or juvenile detention  
7 facility; ~~[to pay]~~ for paying the cost of housing county or  
8 municipal prisoners or juveniles in any detention facility in  
9 the state; for alternatives to incarceration; or for complying  
10 with match or contribution requirements for the receipt of  
11 federal funds relating to detention facilities, jails ~~[a]~~ or  
12 juvenile detention ~~[facility]~~ facilities. Payments shall be  
13 made quarterly upon certification by the magistrate court or  
14 metropolitan court and the motor vehicle division of the  
15 taxation and revenue department of eligible amounts as provided  
16 in Subsection C of this section.

17 C. Each county shall be eligible for a payment in  
18 an amount equal to the costs and fees collected by a magistrate  
19 court or a metropolitan court and the motor vehicle division  
20 pursuant to offenses committed within the county and deposited  
21 in the local government corrections fund; provided, in a county  
22 with a metropolitan court, the county shall be eligible for a  
23 payment in an amount equal to costs and fees collected pursuant  
24 to offenses committed within the boundaries of the  
25 unincorporated areas of the county, and a municipality in that

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1 county shall be eligible for a payment in an amount equal to  
2 the costs collected pursuant to offenses committed within the  
3 boundaries of the municipality.

4 D. Payments from the local government corrections  
5 fund shall be made upon vouchers issued and signed by the  
6 director of the administrative office of the courts upon  
7 warrants drawn by the secretary of finance and administration.

8 E. All money received by a county or a municipality  
9 pursuant to this section shall be deposited in a special fund  
10 in the county or municipal treasury and shall be used solely  
11 for:

12 (1) county or municipal jailer or juvenile  
13 detention officer training [~~for~~];

14 (2) the construction planning, construction,  
15 maintenance and operation of the county [~~or~~] detention  
16 facility, municipal jail or juvenile detention facility [~~to~~  
17 pay];

18 (3) paying the cost of housing county or  
19 municipal prisoners or juveniles in any detention facility in  
20 the state;

21 (4) alternatives to incarceration; or

22 (5) complying with match or [~~for~~] contribution  
23 requirements for the receipt of federal funds relating to  
24 detention facilities, jails or juvenile detention facilities."

25 Section 2. Section 35-6-1 NMSA 1978 (being Laws 1968,

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1 Chapter 62, Section 92, as amended by Laws 2001, Chapter 277,  
2 Section 2 and also by Laws 2001, Chapter 279, Section 2) is  
3 amended to read:

4 "35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF  
5 "CONVICTED".--

6 A. Magistrate judges, including metropolitan court  
7 judges, shall assess and collect and shall not waive, defer or  
8 suspend the following costs:

9 docket fee, criminal actions under Section 29-5-1 NMSA  
10 1978 . . . . . \$ 1.00;

11 docket fee, to be collected prior to docketing any other  
12 criminal action, except as provided in Subsection B  
13 of Section 35-6-3 NMSA 1978 . . . . . 20.00.

14 Proceeds from this docket fee shall be transferred  
15 to the administrative office of the courts for  
16 deposit in the court facilities fund;

17 docket fee, ten dollars (\$10.00) of which shall be  
18 deposited in the court automation fund and fifteen  
19 dollars (\$15.00) of which shall be deposited in the  
20 civil legal services fund, to be collected prior to  
21 docketing any civil action, except as provided in  
22 Subsection A of Section 35-6-3 NMSA 1978 . . 62.00;

23 jury fee, to be collected from the party demanding trial  
24 by jury in any civil action at the time the demand  
25 is filed or made . . . . . 25.00;

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1 guilty or a plea of nolo contendere. Magistrate judges,  
2 including metropolitan court judges, shall assess and collect  
3 and shall not waive, defer or suspend the following costs:

4 (1) corrections fee [~~in any county without a~~  
5 ~~metropolitan court~~], to be collected upon conviction from  
6 persons convicted of violating any provision of the Motor  
7 Vehicle Code involving the operation of a motor vehicle,  
8 convicted of a crime constituting a misdemeanor or a petty  
9 misdemeanor or convicted of violating any ordinance that may be  
10 enforced by the imposition of a term of imprisonment as  
11 follows:

12 in a county with a metropolitan court . . . . . \$10.00;

13 in a county without a metropolitan court . [~~\$10.00~~] 20.00;

14 (2) court automation fee, to be collected upon  
15 conviction from persons convicted of violating any provision of  
16 the Motor Vehicle Code involving the operation of a motor  
17 vehicle, convicted of a crime constituting a misdemeanor or a  
18 petty misdemeanor or convicted of violating any ordinance that  
19 may be enforced by the imposition of a term of imprisonment  
20 . . . . . 10.00;

21 (3) traffic safety fee, to be collected upon  
22 conviction from persons convicted of violating any provision of  
23 the Motor Vehicle Code involving the operation of a motor  
24 vehicle . . . . . 3.00;

25 (4) judicial education fee, to be collected

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1 upon conviction from persons convicted of operating a motor  
2 vehicle in violation of the Motor Vehicle Code, convicted of a  
3 crime constituting a misdemeanor or a petty misdemeanor or  
4 convicted of violating any ordinance punishable by a term of  
5 imprisonment . . . . . [~~1.00~~] 2.00;

6 (5) brain injury services fee, to be collected  
7 upon conviction from persons convicted of violating any  
8 provision of the Motor Vehicle Code involving the operation of  
9 a motor vehicle . . . . . 5.00;

10 and

11 (6) court facilities fee, to be collected upon  
12 conviction from persons convicted of violating any provision of  
13 the Motor Vehicle Code involving the operation of a motor  
14 vehicle, convicted of a crime constituting a misdemeanor or a  
15 petty misdemeanor or convicted of violating any ordinance that  
16 may be enforced by the imposition of a term of imprisonment as  
17 follows:

18 in a county with a metropolitan court . . . . . 24.00;

19 in any other county . . . . . 10.00.

20 E. Metropolitan court judges shall assess and  
21 collect and shall not waive, defer or suspend as costs a  
22 mediation fee not to exceed five dollars (\$5.00) for the  
23 docketing of small claims and criminal actions specified by  
24 metropolitan court rule. Proceeds of the mediation fee shall  
25 be deposited into the metropolitan court mediation fund."

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1           Section 3. Section 35-14-11 NMSA 1978 (being Laws 1983,  
2 Chapter 134, Section 6, as amended) is amended to read:

3           "35-14-11. MUNICIPAL ORDINANCE-- COURT COSTS--  
4 COLLECTION-- PURPOSE. --

5           A. Every municipality shall enact an ordinance  
6 requiring assessment of corrections fees, judicial education  
7 fees and court automation fees to be collected as court costs  
8 and used as provided in this section.

9           B. [~~As used in this subsection, "convicted" means~~  
10 ~~the defendant has been found guilty of a criminal charge by a~~  
11 ~~municipal judge, either after trial, a plea of guilty or a plea~~  
12 ~~of nolo contendere.~~] A municipal judge shall collect the  
13 following costs:

14                           (1) a corrections fee of [~~ten dollars~~  
15 ~~(\$10.00)] twenty dollars (\$20.00);~~

16                           (2) a judicial education fee of [~~one dollar~~  
17 ~~(\$1.00)] two dollars (\$2.00); and~~

18                           (3) a court automation fee of six dollars  
19 (\$6.00).

20           C. The fees are to be collected upon conviction  
21 from persons convicted of violating any ordinance relating to  
22 the operation of a motor vehicle or any ordinance that may be  
23 enforced by the imposition of a term of imprisonment.

24           D. All money collected pursuant to Paragraph (1) of  
25 Subsection B of this section shall be deposited in a special

1 fund in the municipal treasury and shall be used for:

2 (1) municipal jailer or juvenile detention  
3 officer training [~~for~~];

4 (2) the construction planning, construction,  
5 operation and maintenance of a municipal jail or juvenile  
6 detention facility [~~for~~];

7 (3) paying the cost of housing municipal  
8 prisoners in a county jail or detention facility or housing  
9 juveniles in a detention facility [~~or for~~];

10 (4) complying with match or contribution  
11 requirements for the receipt of federal funds relating to jails  
12 or juvenile detention facilities;

13 (5) providing inpatient treatment or other  
14 substance abuse programs as an alternative to jail sentencing;

15 (6) defraying the cost of transporting  
16 prisoners to jails or juveniles to juvenile detention  
17 facilities; or

18 (7) providing electronic monitoring systems.

19 E. A municipality may credit the interest collected  
20 from fees deposited in the special fund pursuant to Subsection  
21 D of this section to the municipality's general fund.

22 [~~E.~~] F. All money collected pursuant to Paragraph  
23 (2) of Subsection B of this section shall be remitted monthly  
24 to the state treasurer for credit to the judicial education  
25 fund and shall be used for the education and training,

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1 including production of bench books and other written  
2 materials, of municipal judges and other municipal court  
3 employees.

4 [F-] G. All money collected pursuant to Paragraph  
5 (3) of Subsection B of this section shall be remitted monthly  
6 to the state treasurer for credit to the municipal court  
7 automation fund and shall be used for the purchase and  
8 maintenance of court automation systems in the municipal  
9 courts. The court automation systems shall have the capability  
10 of providing, on a timely basis, electronic records in a format  
11 specified by the judicial information ~~[system]~~ systems council.

12 H. As used in this section, "convicted" means the  
13 defendant has been found guilty of a criminal charge by a  
14 municipal judge, either after trial, a plea of guilty or a plea  
15 of nolo contendere. "

16 Section 4. Section 66-8-116.3 NMSA 1978 (being Laws 1989,  
17 Chapter 320, Section 5, as amended) is amended to read:

18 "66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS-- ADDITIONAL  
19 FEES.--In addition to the penalty assessment established for  
20 each penalty assessment misdemeanor, there shall be assessed:

21 A. in a county without a metropolitan court, ~~[ten~~  
22 ~~dollars (\$10.00)]~~ twenty dollars (\$20.00) to help defray the  
23 costs of local government corrections;

24 B. a court automation fee of ten dollars (\$10.00);

25 C. a traffic safety fee of three dollars (\$3.00),

1 which shall be credited to the traffic safety education and  
2 enforcement fund;

3 D. a judicial education fee of [~~one dollar (\$1.00)~~]  
4 two dollars (\$2.00), which shall be credited to the judicial  
5 education fund;

6 E. a brain injury services fee of five dollars  
7 (\$5.00), which shall be credited to the brain injury services  
8 fund; and

9 F. a court facilities fee as follows:  
10 in a county with a metropolitan court . . . . . \$24.00;  
11 in any other county . . . . . 10.00. "

12 Section 5. EFFECTIVE DATE. --The effective date of the  
13 provisions of this act is July 1, 2003.

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